

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

MICHAEL L. FRANKLIN, JR.,

Plaintiff,

vs.

DEPARTMENT OF HEALTH & HUMAN  
SERVICES,

Defendant.

**8:21CV87**

**ORDER**

Plaintiff has moved to strike the amended complaint, (Filing No. 31), as filed in the wrong case, (Filing No. 43), and he moves to stay the proceedings. (Filing No. 42). Plaintiff provides no explanation for asking that this case be stayed.

IT IS ORDERED:

- 1) Plaintiff's motion to strike, (Filing No. 43), is granted. His motion to file an amended complaint, (Filing No. 31), is stricken at Plaintiff's request.
- 2) Plaintiff's motion to stay, (Filing No. 42), is denied.
- 3) Plaintiff's operative complaint consists of Filings 1 , 6 , 7 , and 8, combined.
- 4) Defendant's motion to dismiss that operative complaint, (Filing No. 19), remains pending.

Dated this 22nd day of September, 2021.

BY THE COURT:

s/ Cheryl R. Zwart  
United States Magistrate Judge